

# Notice of Allowability

Application No.

10/722,398

Examiner

Christopher E. Mahoney

Applicant(s)

HIESINGER, REINGARD

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview of December 19, 2005.
2. ☒ The allowed claim(s) is/are 1,2,4,6-11,13-22 and 24-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **Preliminary Matters**

The finality of the Office Action mailed June 3, 2005 is WITHDRAWN. Claims 12-20 contained allowable subject matter.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jiwen Chen on December 22, 2005.

The application has been amended as follows:

#### **Amendments to the Claims:**

The listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

Claim 1 (currently amended): A variable background for photographic pictures, comprising:

a flexible basic body which supports the object to be photographed and at least one adjustment device for modifying the shape of the basic body;

wherein the flexible basic body has such stiffness that it can take different shapes and keeps a smooth surface when the shape is modified;

wherein the adjustment device comprises openings obtained at least on one side of the flexible basic body by means of punchings and a string or a fiber being guided alternately through said ~~opening~~; and openings ;

wherein at least one end of the string or fiber can be fixed by means of a fixing means; and wherein the basic body is fixedly put on a frame.

Claim 2 (previous presented): The variable background according to claim 1, wherein the flexible basic body is formed by a translucent, colorless or colored foil.

Claim 3 (cancelled)

Claim 4 (previous presented): The variable background according to claim 1, wherein the flexible basic body is formed either by a plastic foil, by paper, by a cardboard, or by a flexible metal foil.

Claim 5 (cancelled)

Claim 6 (previous presented): The variable background according to claim 1, wherein at least on one of the cross sides of the flexible basic body reinforcements are provided; and wherein the reinforcements comprise metal bows or plastic.

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Claim 7 (previous presented): The variable background according to claim 1, wherein the flexible basic body can be brought into an angled position by means of the adjustment device, wherein the angle can be chosen freely and can be modified freely, according to the photographic picture or photo technique.

Claim 8 (previous presented): The variable background according to claim 1, wherein at least two or more angulations of the flexible basic body are provided.

Claim 9 (previous presented): The variable background according to claim 1, wherein the basic body has such a stiffness that the basic body forms a tunnel if opposite sides of the basic body are linked and tensioned by means of the adjustment device.

Claim 10 (previous presented): The variable background according to claim 1, wherein the basic body assumes the shape of a tent, a tube, a cone, or a truncated cone by tensioning the string or fiber of the adjustment device through restricting the length of the string or fiber by the fixing means.

Claim 11 (previous presented): The variable background according to claim 1, wherein, on the longitudinal sides of the basic body, fastening devices are provided by means of which the basic body can be fastened to a support.

Claim 12 (cancelled)

Claim 13 (currently amended): The variable background according to claim 1, characterised in that ~~the basic body is put on a frame, and that the~~ frame consists of at least three parts, wherein the individual frame parts are connected to each other.

Claim 14 (currently amended): The variable background according to claim 1, characterised in that ~~the basic body is put on a frame, and the~~ frame consists of at least three parts, wherein the individual frame parts are connected to each other by means of inserted connectors.

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Claim 15 (currently amended): The variable background according to claim 1, characterised in that ~~the basic body is put on a frame, and the~~ frame consists of at least three parts, wherein the individual frame parts are connected with each other by means of inserted connectors and the inserted connectors are available in different angles.

Claim 16 (currently amended): The variable background according to claim 1, characterised in that ~~the basic body is put on a frame, and the~~ frame consists of at least three parts, wherein the individual frame parts can be connected to each other by means of joints which can be fixed.

Claim 17 (currently amended): The variable background according to claim 1, wherein ~~the basic body is put on a frame, and wherein the~~ frame is or the frame parts forming the frame are flexible and, after the forming, sufficiently stable in order to keep a chosen form of the frame or the frame parts.

Claim 18 (currently amended): The variable background according to claim 1, wherein ~~the basic body is put on a frame, and the~~ frame consists of flexible profiles and the flexible profiles are arranged as adjustment device on the flexible basic body.

Claim 19 (currently amended): The variable background according to claim 1, characterised in that ~~the basic body is put on a frame, and the~~ frame consists of at least three parts, wherein the individual frame parts are connected with each other by means of joints which are provided fixedly with catchings.

Claim 20 (currently amended): The variable background according to claim 1, wherein at least a part of a region of the flexible basic body for taking the photographic pictures is formed by an opaque slab which is also fastened to a the frame.

Claim 21 (previous presented): The variable background according to claim 1, wherein a light source is arranged below, before, or behind the variable background.

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Claim 22 (currently amended): The variable background according to claim 1, wherein a repro column is provided which is fastened to a the frame on which the flexible basic body is put.

Claim 23 (cancelled)

Claim 24 (currently amended): A flexible photograph desk, comprising a flexible basic body according to claim 1, and a the frame which supports the flexible basic body and where the basic body can be fastened.

Claim 25 (currently amended): A system for a variable background, comprising at least one flexible basic body according to claim 1, ~~a frame~~, at least one opaque slab, one or more light sources, one or more repro columns and at least one transport device.

Claim 26 (previously presented): The variable background according to claim 1, wherein the overall shape of the string or fiber is S-like when the string or fiber is guided through the openings of the adjustment device.

Claim 27 (previously presented): The variable background according to claim 11, wherein the fastening devices are VELCRO fasteners, snap fasteners or zip fasteners.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'C. E. Mahoney', with a stylized flourish at the end.

Christopher E Mahoney  
Primary Examiner  
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